IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE P.S.NARAYANA**

**WRIT PETITION NO : 15147 of 1997**

Between:

Polinati Venkata Sitha Rama Rao S/o.P.Venkata Rao
R/o.H.No.2-7-96,Kannamma Temple Street Alcot Gardens
Rajahmundry, East Godavari District.

**..... PETITIONER**

AND

1 The Govt.of A.P Rep.by its Secretary
Social Welfare (J2) Department Secretariat
Hyderabad.
2 The Dist Collector
E.G.District, Kakinada.
3 State Bank of Hyderabad Rep.by its Deputy General Manager

(Personnel)
Head Office Gunfoundry
Hyderabad. (R3 is impleaded as per court order dt.6/9/99 in

W.P.M.P.No.18943/99

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the 1st respondent in not considering the appeal on merits and dismissing

the same by an order in Memo.No.24156/J2/96-4, dated 20-6-97 confirming the orders of the District Collector, East Godavari, Kakinada, the 2nd respondent herein, in Ref.B2/5995/92, dt.10-9-96, as illegal, arbitarar, improper, unjust and without jurisdiction and the same may be set aside and pass such other order or orders.

Counsel for the Petitioner: MR.P.KRISHNA REDDY

Counsel for the Respondents : GP FOR SOCIAL WELFARE

The Court made the following :

**ORDER:**

Heard the Counsel on record.

The Writ Petition is filed for a writ of mandamus to declare the action of the 1st respondent in not considering the appeal on merits and dismissing the same by an order in Memo No.24146/J2/96-4, dated 20-6-1997 confirming the orders of the District Collector, East Godavari District, Kakinada, the 2nd respondent herein in Rc.No.B2/5995/92 dated 10-9-1996 as illegal, improper, unjust, arbitrary and without jurisdiction and to set aside the same and to pass such other suitable orders.

Sri Krishna Reddy, the learned Counsel representing the writ petitioner had taken this Court through the Grounds of Appeal which had been filed before the Government and had pointed out to the several of the Grounds which had been specifically raised. The learned Counsel also pointed out that without considering any of the

Grounds, a non-speaking order was made in Memo No.24146/J2/96-4, dated 20-6-1997 which is called in question in the present Writ Petition.

The impugned order dated 20-6-1997 reads as hereunder :

GOVERNMENT OF ANDHRA PRADESH

SOCIAL WELFARE (J2) DEPARTMENT

Memo No.24146/72/96-4 Dt.20-6-97

**Sub:-** Caste Verification – Rajahmundry (M) and Town – Sri Palnati Venkata Sitha Rama Rao and Kum.Palnati Venkata Ranga Uma Lakshmi – Caste claimed as Kondakapu – Enquiries revealed that they belong to Kapu – Show cause notice issued – Personally heard – Cancelled the certificate – Appeal petition – Rejected – Reg.

**Ref:-** Appeal petition of Sri Palnati Venkata Sita Rama Rao s/o. P.Venkata Rao, Kannamma Temple Street, Alcot Gardens, Rajahmundry.

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Sri Palnati Venkata Sitarama Rao and Kum.Palnati Venkata Ranga Uma Lakshmi are informed that their Appeal Petition cannot be considered by the Government as there are no fresh grounds warranting further consideration. Therefore the appeal Petition is rejected.

RANJEEV R.ACHARYA

ADDITIONAL SECRETAYR TO GOVT.

In the light of the several grounds which had been taken, the way in which the Appeal had been disposed of definitely is not satisfactory and hence the impugned order cannot be sustained and accordingly

the same is hereby quashed and the matter is remitted to the 1st respondent/Government to decide the matter afresh after affording proper opportunity and dispose of the matter in accordance with law taking into consideration the Grounds raised in the Grounds of Appeal and pass appropriate orders in this regard within a period of one month from the date of receipt of this order.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

The Registry is directed to communicate the order in a week's time.

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P.S. Narayana.,J

Date : 4-2-2005

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the Fourth Day of February Two Thousand and Five.

ASST.REGISTRAR

To:

1 Secretary to Government,

Social Welfare (J2) Department Secretariat
Government of Andhra Pradesh, Hyderabad.

2 The Dist Collector
E.G.District, Kakinada.

3 Deputy General Manager (Personnel)
State Bank of Hyderabad

Head Office Gunfoundry
Hyderabad.

4. 2 C.Cs. to the Government Pleader for Social Welfare,

High court Buildings, Hyderabad (OUT)

5. 2 C.D. copies